

Nos. 18-3659, 19-1146

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

UNIVERSITY OF CHICAGO,)	
)	
Petitioner, Cross-Respondent,)	
v.)	Petition for Review and Cross-
)	Application for Enforcement of
NATIONAL LABOR RELATIONS)	an Order of the National Labor
BOARD,)	Relations Board
)	
Respondent, Cross-Petitioner.)	

PETITIONER/CROSS-RESPONDENT'S ANSWER TO
CROSS-APPLICATION FOR ENFORCEMENT

Petitioner/Cross Respondent University of Chicago (the “University”) answers the cross-application of the National Labor Relations Board (“Board”) for enforcement of the Order dated December 4, 2018, as follows:

The University denies the allegations of the cross-application and denies that the Board should have its order enforced. The University affirmatively alleges that the Court should deny enforcement of the order because the Regional Director abused his discretion in refusing to hold an evidentiary hearing to resolve the factual question of whether the students in the proposed unit are “employees” under Section 2(3) of the Act and, if they are employees, whether their employment is “temporary or casual” such that they are explicitly excluded from the unit definition, and/or whether as temporary or casual employees, it would not advance the interests of the National Labor Relations Act to permit them to collectively bargain. The Regional Director’s

erroneous decision not to allow a hearing violates the Board's own rules and deprived the University of due process.

Wherefore, Petitioner, in answer to the cross-application of the National Labor Relations Board, prays that cross applicant take nothing by its application, and that Petitioner have the relief requested in its petition.

Dated: February 11, 2019.

Respectfully submitted,

By: /s/ Jacob M. Rubinstein

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 11, 2019, I electronically filed the foregoing **Petitioner's Answer to Cross-Application for Enforcement** with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Jacob M. Rubinstein

Jacob M. Rubinstein